

12/2/08

9A



**City of Santa Clara
PLANNING COMMISSION
SPECIAL MEETING
Wednesday, November 19, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
SUMMARY OF ACTIONS**

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

2. ROLL CALL - All Commissioners were present.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

4. DECLARATION OF COMMISSION PROCEDURES

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

A) Withdrawals – None

B) Continuances without a hearing - None

C) Exceptions (requests for agenda items to be taken out of order) - None

6. ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:

A. Agenda Item 9. File: PLN2008-07176 Location: 2600, 2800 San Tomas Expressway and 2400 Condensa Street

7. ORAL PETITIONS/ ANNOUNCEMENTS/COMMUNICATIONS/SPECIAL ORDER OF BUSINESS - None

8. CONSENT CALENDAR

The following routine administrative and public hearing items were approved under the Consent Calendar unless otherwise noted.

Routine Items/Consent Calendar

None

Public Hearing Items/Consent Calendar

None

*****End of Consent Calendar*****

ZONING

9. File: **PLN2008-07176 (General Plan Amendment); PLN2008-07177 (Rezone ML to PD); PLN2008-07179 (Development Agreement); CEQ2008-01062 (EIR/ SCH#20080520111)**
- Location: 2600, 2800 San Tomas Expressway, and 2400 Condensa Street, three parcels on 35.6-acre site located on both sides of San Tomas Aquino Creek channel, south of Central Expressway (APNs 224-11-065, 224-11-066, 216-2-128). Property is zoned ML (Light Industrial).
- Applicant: Harvest Properties
- Owner: Harvest 2400, LLC & Harvest-Granite San Tomas, LLC
- Request: **Certify Final Environmental Impact Report (EIR); General Plan Amendment #71 from Light Industrial to Office/Research and Development; Rezone from ML (Light Industrial) to PD (Planned Development); Development Agreement to vest development rights; Architectural Review of San Tomas Business Park Campus Project.**
- Project Description: San Tomas Business Park Campus Project – Project Application for Building A – 650,000 square feet with parking structure; Building B – 650,000 square feet with parking structure; Building C – 650,000 square feet with parking structure; and including a pedestrian bridge over the San Tomas Aquino Creek. The three parcels would accommodate up to 1,950,000 square feet of office and high-tech lab buildings. The development will replace existing office and industrial buildings on three parcels.
- Project Planner: Yen Han Chen, Associate Planner
- Action: **Certified the Final Environmental Impact Report; Approved the General Plan Amendment #71 to Change Designation from Light Industrial to Office/Research and Development; Approved the Rezone from ML-Light Industrial to PD-Planned Development; Approved the Development Agreement to Vest the Development Rights; and Moved that the Project be sent to the Architectural Committee.**

10. OTHER BUSINESS

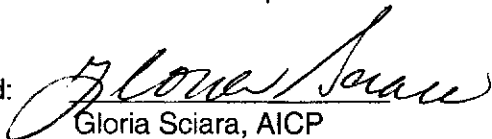
A. Commission Procedures and Staff Communications

Public comment on these items may be limited to one minute, at discretion of the Chair

- i. Announcements/Other Items - None
- ii. Report of the Director of Planning and Inspection – Mr. Riley reported on issues from the November 18 City Council Meeting.

11. ADJOURNMENT – 8:20 p.m.

Approved:


Gloria Sciara, AICP
Development Review Officer

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**City of Santa Clara
PLANNING COMMISSION
SPECIAL MEETING
Wednesday, November 19, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

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for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

Vice-Chairperson O'Neill initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chairperson Todd Fitch, Vice-Chairperson Teresa O'Neill, Commissioners Tony Marine, Keith Stattenfield, Frank Barcells, Robert Mayer, and Ian Champeny.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Carol Anne Painter, Development Review Officer Gloria Sciara, Associate Planner Yen Chen, Assistant City Attorney Julia Hill, Civil Engineer II Darrell Mackie and Office Specialist IV Susan Landers.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Ms. Painter said that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairperson Fitch reviewed Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A) Withdrawals – None
- B) Continuances without a hearing - None
- C) Exceptions (requests for agenda items to be taken out of order) - None

6. ITEMS FOR COUNCIL ACTION

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ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

- A) None

8. CONSENT CALENDAR

Routine Items/Consent Calendar

None

Public Hearing Items/Consent Calendar

None

*****End of Consent Calendar*****

ZONING

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- Project Planner: Yen Han Chen, Associate Planner

Summary of Discussion

Chairperson Fitch announced that the Commission was continuing the public hearing on this item from November 12th. He said he had reviewed tapes and information from that meeting, at which he had not been present, and was up to speed on the issue.

Mr. Chen presented an overview of the project and said the City's Traffic Engineer and traffic and environmental consultants were present to answer any questions.

Ms. Painter said there were some typographical errors in the resolutions, which would be corrected.

Chairperson Fitch invited public comments. Resident Kevin Park expressed concerns about traffic and said the money that would be contributed by the developer would not be sufficient to mitigate traffic in the area. He also expressed concerns about uni-stall parking and about where an overflow of parking would go. Dave Wilbur, Development Manager for Harvest Properties, said most of Mr. Park's questions about parking had been addressed in the parking study, and he spoke about some average traffic delays which might be reduced. He said rather than designating half of the parking stalls to be 8 feet wide for compact cars and half to be 9 feet wide for larger vehicles, all the parking spaces would be 8 feet 6 inches wide. Ms. Painter said that most jurisdictions have adopted the 8 and a half foot standard for parking. Some discussion by Commissioners followed, then Commissioner Marine moved to close the public hearing, seconded by Commissioner O'Neill, and approved unanimously.

Commissioner Stattenfield said the traffic issue is his greatest concern, and it looks as though the

San Tomas Expressway is significantly affected. He asked some questions and raised issues about traffic mitigation and funding for mitigation. Commissioner O'Neill asked about the cumulative effects on traffic of different projects over time and about whether consideration was given with regard to buildings that are currently vacant but will be occupied in the future. Traffic consultant Michelle Hunt said their cumulative analysis included every project known including pending projects and projects in adjacent cities, and that the analysis included recent traffic counts. Commissioner Marine asked whether the five million dollars to be contributed by the developer for traffic mitigation would have to be returned if budget constraints or unforeseen issues prevented the County from performing the mitigations. Ms. Painter said AB 1600 provides a 5-year term for impact fees, which was the term used in this agreement, and the money would have to be returned to the developer if it were not used during that time for the designated purposes. Further discussion followed about traffic mitigation issues.

Commissioner Marine moved to certify the Final Environmental Impact Report, seconded by Commissioner Stattenfield. The motion passed 6-1, with Commissioner O'Neill voting against the motion.

Commissioner Marine moved to approve General Plan Amendment #71 from Light Industrial to Office/Research and Development, seconded by Commissioner Stattenfield. The motion was approved unanimously.

Commissioner Marine moved to approve the rezone from Light Industrial (ML) to Planned Development (PD), seconded by Commissioner Barcells. The motion was approved unanimously.

Commissioner Marine moved to approve the Development Agreement to vest the development rights, seconded by Commissioner Stattenfield. Commissioner Stattenfield expressed concern about whether the traffic mitigations would be addressed by the County within the 5 year period. Other Commissioners also weighed in with concerns about the County's priorities and availability of funds at the County, State and federal levels. Attorney Hill said 5 years was recommended. A vote was taken, and the motion was approved unanimously.

Ms. Painter offered to hold a special Planning Commission study session concerning traffic analyses prior to a regular meeting. She said she would contact the Commissioners for scheduling.

10. OTHER BUSINESS


A. Commission Procedures and Staff Communications

- i. Announcements/Other Items – None
- ii. Report of the Director of Planning and Inspection - Mr. Riley reported on the November 18th meeting.

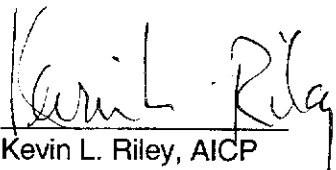
11. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Respectfully submitted:


Susan Landers
Office Specialist IV

Approved: 
Gloria Sciara, AICP
Development Review Officer

Approved: 
Kevin L. Riley, AICP
Director of Planning & Inspection